

S.B. Civil Misc. Appeal No.586/2005
National Insurance Co. Ltd. and another
vs.
Smt. Maya Devi and others.

Date : 29.8.2005

HON'BLE MR. PRAKASH TATIA, J.

Mr. Jagdish Vyas, for the appellant.

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Heard.

The appellant is aggrieved against the award dated 20.9.2004 by which Motor Accident Claims Tribunal, Hanumangarh awarded compensation of Rs.8,33,584/- to the claimants/respondents due to the death of one Ashok Kumar who died in the accident alleged to have been caused by Dr. Harsh Vardhan by driving the Car No.RJ 14 6C-0194.

According to learned counsel for the appellant, in the F.I.R. Exhibit-A/2 which was lodged immediately after the accident on 1.6.2003 itself, number of car has been given out as HR 51/3174 and since that vehicle was not insured with the appellant company, therefore, the claimants changed their version in the claim petition and substituted car no. RJ 14 6C-0194. According to learned counsel for the appellant, in fact, Car No. HR 51/3174 was involved in the accident and car no.RJ 14 6C-0194 was not involved in the accident.

It is also submitted that though the name of Dr. Harsh Vardhan is given out in the F.I.R., but even if he was driving the vehicle, he was not driving the vehicle no.RJ 14 6C-0194.

I have considered the submissions of learned counsel for the appellant and perused the record.

It is not in dispute that the F.I.R. was lodged by a person standing near the spot and he gave car number as HR 51/3174 but at the same time, it is not disputed by the appellant that the name of Dr. Harsh Vardhan was disclosed in the F.I.R. itself. After investigation, the police submitted challan against Dr. Harsh Vardhan for causing accident by driving the car No. RJ 14 6C-0194. Not only this, but it is clear from the mechanical report that the car had damaged headlight and bumper also and there is bent in front side which substantiates the claimants' case of hitting by car no.RJ 14 6C-0194.

In view of the above, I do not find any reason to hold that the vehicle which was held responsible for the accident was not involved. There is no illegality committed by the Tribunal.

Accordingly, this appeal, having no merit, is hereby dismissed.

(PRAKASH TATIA), J.

S.Phophaliya